

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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PARMINDER S SEKHON, et. al.,

Plaintiffs,

Case No. 19-cv-0500-bhl

v.

UNITED STATES DEPARTMENT OF AGRICULTURE,

Defendant.

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**ORDER DISMISSING CASE WITHOUT PREJUDICE**

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On April 8, 2019, the plaintiffs filed a complaint against the United States Department of Agriculture, ECF No. 1. After submitting their Magistrate Judge Jurisdiction Form on April 29, 2019, ECF No. 2, the plaintiffs failed to file proof of service of the complaint and took no other action to prosecute their case for well more than a year. On September 30, 2020, the Court issued an order to the plaintiffs to show cause why this case should not be dismissed for failure to serve their complaint timely pursuant to Fed. R. Civ. P. 4(m) and for failure to prosecute the case. ECF No. 3. The Court warned the plaintiffs that the case would be dismissed if the plaintiffs failed to provide proof of proper and timely service.

On October 15, 2020, the plaintiffs filed a response to the court's order to show cause. ECF No. 4. The plaintiffs state that they "mailed all the required documents" on the same day they filed the complaint and attach a receipt for mailing something by USPS Priority Mail Express to the United States Department of Agriculture in Alexandria, Virginia. The plaintiffs also note that "[a]s a result of mailing [the] documents to USDA all the proceeding were stopped [sic] against me by USDA."

The plaintiffs' response does not show that plaintiffs properly and timely served the defendant as required by Fed. R. Civ. P. 4. Having sued the United States Department of Agriculture, Rule 4(i) required the plaintiffs to serve the United States (which generally involves serving both the local U.S. attorney's office and the United States Attorney General in Washington, D.C.) and the agency itself (which requires sending the summons and complaint to

the agency “by registered or certified mail”). They also needed to file proof of service within the time frame required by Rule 4(m). Regardless, the plaintiffs’ response indicates the Department of Agriculture has since halted the proceedings that the plaintiffs sought to challenge in their complaint, suggesting they no longer wish to continue the case and likely rendering the case moot. Based on the foregoing, the court will dismiss this case without prejudice. Fed. R. Civ. P. 4(m); Civil L. R. 41(a), (c).

Accordingly, **IT IS HEREBY ORDERED** that the plaintiffs’ complaint, ECF No. 1, is **DISMISSED without prejudice**. The Clerk is directed to enter judgment accordingly.

SO ORDERED on October 20, 2020.

s/ Brett H. Ludwig  
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BRETT H. LUDWIG  
United States District Judge